

## TRAINING BULLETIN

A PUBLICATION OF THE SAN DIEGO POLICE DEPARTMENT

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CHIEF OF POLICE

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### CONTACTS RELATED TO THE SIDEWALK VENDING ORDINANCE

#### **I. PURPOSE**

The purpose of this bulletin is to provide information and direction on contacts related to the Sidewalk Vending Ordinance (SVO) pursuant to San Diego Municipal Code (SDMC) Chapter 3, Article 6, Division 1.

Enforcement under the SVO shall not be conducted unless officers have received in-person specific training on its application and have been authorized to begin enforcement. Additionally, enforcement and contacts related to these sections does not preclude officers from enforcing other violations of law.

#### **II. SCOPE**

This Training Bulletin applies to all sworn members of the Department.

#### **III. BACKGROUND**

Effective March 29, 2024, the Sidewalk Vending Ordinance (SVO) was amended to address additional regulations and measures related to administrative violations, impounds, and to clarify regulations of First Amendment expressive activity.

The SVO was originally enacted in 2022 in response to California Senate Bill 946 which broadened sidewalk vending statewide. On September 17, 2018, Senate Bill 946 (The Safe Sidewalk Vending Act) was signed into law by Governor Jerry Brown. On January 1, 2019, SB 946 provided vendors with the authority to vend on sidewalks and at parks owned or operated by the City.

A sidewalk vendor is defined as “a person who sells goods or provides services from vending equipment or from one’s person upon a sidewalk. It includes both roaming sidewalk vendors and stationary sidewalk vendors.” (SDMC § 36.0102)

#### **IV. SIDEWALK VENDING ORDINANCE**

##### **Sidewalk Vending Requirements**

*A link to the full text of the ordinance can be found here:*

[Article 6: Sidewalk Vending \(sandiego.gov\)](http://sandiego.gov)

Sidewalk vendors shall obtain a vending permit prior to vending on any sidewalk. See Permit Requirements SDMC section 36.0103.

Sidewalk vendors shall comply with the operational requirements of vending, i.e., locations, hours of operation, displays, best management practices, and prohibited sales of specific goods or other products prohibited by local, state, and federal laws. See SDMC sections 36.0105, 36.0106, 36.0107, 36.0108, and 36.0109.

The penalty and fine structure for sidewalk vendors with a valid permit is:

- (1) An administrative citation and \$100 penalty for a first violation.
- (2) An administrative citation and \$200 penalty for a second violation within one year of the first violation.
- (3) An administrative citation and \$500 penalty for a third and each subsequent violation within one year of the first violation

SDMC § 36.0110(a)

Sidewalk vendors without a permit shall immediately cease vending and shall be subject to:

- (1) An administrative fine of \$250 for a first violation.
- (2) An administrative fine of \$500 for a second violation within one year of the first violation.
- (3) An administrative fine of \$1,000 for a third and each subsequent violation within one year of the first violation.

SDMC § 36.0110(b)

The City may impound vending equipment or goods on the first violation under the following conditions pursuant to SDMC section 36.0111:

- (1) leaving vending equipment or goods unattended in violation of section 36.0105(k);
- (2) vending prohibited goods in violation of section 36.0109;
- (3) vending without a valid vending permit in violation of section 36.0110(b);
- (4) vending food without a valid and displayed San Diego County Environmental Health Permit in violation of section 36.0105(h);
- (6) vending in violation of this Division and the sidewalk vendor refuses or fails to provide identification upon request by an Enforcement Official;
- (7) vending in apparent violation of this Division and the sidewalk vendor refuses or fails to remove the vending equipment from the sidewalk, park, or other property within 30 consecutive minutes after being instructed to do so by an Enforcement Official; San Diego Municipal Code Chapter 3: Business Regulations, Business Taxes, Permits and Licenses (6-2024) Ch. Art. Div. 3 6 1 20;
- (8) vending in a manner that blocks or obstructs the free movement of pedestrians or other traffic on sidewalks and fails to maintain a minimum of 48 inches of accessible path of travel in violation of section 36.0105(m);
- (9) vending in a manner that creates an imminent and substantial danger or environmental hazard to the health, safety, or general welfare of the public or the property at the location of the vending equipment. Examples include discharge of oil, grease, or other slippery substances without any effort to maintain best management practices; using unapproved portable cooking equipment, heating element, gas-fueled appliance, generator, or any open flame; using cooking equipment without a fire extinguisher; or vending during urgent or emergency public safety events or incidents; or
- (10) vending by a sidewalk vendor who has, within a 24-month period, been issued three or more administrative citations for violations of this Division.

V. **GUIDELINES FOR CONDUCTING CONTACTS RELATED TO THE SIDEWALK VENDING ORDINANCE**

Any violations of the SVO are administrative violations *only* and **NOT** criminal violations. As such, there is no reasonable suspicion or probable cause to contact a person engaged in sidewalk vending, absent an unrelated criminal offense or suspicion of the presence of criminal activity afoot. Persons contacted *solely* for sidewalk vending violations are **NOT** considered detained and are free to leave and free to cease conversing with officers should they choose to. All contacts related to *solely* sidewalk vending administrative violations shall be treated as consensual contacts other than for activation of an officer's BWC during the contact. Officers should refer to Department Procedure 4.01 for guidance regarding consensual contacts.

**A. Primary Enforcement Entities—The San Diego Police Department and Park Rangers shall be the primary entities enforcing the SVO. When enforcing the SVO, Officers and Park Rangers have the authority to issue administrative citations and impound vendor-related equipment in an authorized manner.**

**B. Factors to Consider Prior to Contact** – Officers shall consider the totality of the circumstances when determining if contact with persons engaged in sidewalk vending is necessary and/or applicable. There are several factors to consider, which include, but are not limited to, the following:

1. What is the time and location of the violation? See SDMC sections 36.0105, 36.0106, and 36.0107.
2. Is the person engaged in protected expressive activity? If so, are they engaged in that activity in a designated free-speech area? See Chapter 6, Article 3, Division 5, Expressive Activity on Public Property.

*A link to the full text of the ordinance can be found here:*

[Chapter 6, Article 3, Division 5, Expressive Activity on Public Property](#)

**NOTE: If the person is engaged in expressive activity, as defined, and a related call for service or police-initiated contact is requested, consult with a supervisor before proceeding.**

3. Are there any objective public safety, health, or hazard concerns associated with the activity?
4. Other than sidewalk vending, is there any criminal activity observed or suspected?

- C. **Body Worn Camera (BWC) Usage** – If an officer engages in an administrative citation contact related to SVO, they shall record the enforcement contact on their BWC in accordance with the BWC Procedure as outlined in Department Procedure 1.49.
- D. **Police Preserve the Peace Calls** – Officers may be called to the scene to preserve the peace when Park Rangers are engaged in enforcement activity with an uncooperative vendor. In those circumstances, officers will remain on scene to preserve the peace while Park Rangers issue an administrative citation or conduct a vendor-related impound. Officers will not detain any persons related to the contact absent an unrelated criminal violation or suspicion of criminal activity.

## VI. ISSUING ADMINISTRATIVE CITATIONS

### A. **Sidewalk Vendor Citations**

Officers may issue an administrative citation for a violation of the SVO. Samples of the administrative documents are attached to this document:

- *Appendix A* – Sample Administrative Citation SVO
- *Appendix B* – Sample Notice of Impoundment
- *Appendix C* – Sample County Health Permit
- *Appendix D* – Sample Sidewalk Vending Permit and Vendor ID Card

#### 1. **Issuing SVO administrative citations**

- a. Administrative Citation Books related to sidewalk vending will be maintained at the Divisional level, and distributed to officers, tracked, and logged similarly to Notice to Appear Citation Books.
- b. When issuing an administrative citation related to street vending, officers must use a citation from an administrative SVO citation book, issued by their command (**See Appendix A for an example citation**).
- c. Once issued, the officer will retain the white (original) copy and pink copy. The officer will provide the canary-colored citation copy to the cited party. The citation is designed as a triplicate citation.
- d. Issued SVO citations must be returned to an officer's Division. The Division SVO point of contact (POC) will retain them at the Division and enter the data into a

Divisional SVO log. Within the log, the number of prior offenses and whether the vendor was in possession of a valid SVO permit will be annotated.

- e. After 10 calendar days, if there is no request for an appeal by the cited party, the Divisional SVO POC should upload the Administrative Citation into SAP so the City Treasurer can issue the fine to the cited party.

## 2. **Citation issuance considerations**

When taking administrative enforcement action, officers shall make it clear and explain to the sidewalk vendor that a violation of the SVO is not a criminal violation and that they are issuing an administrative citation. Officers should make an effort to gain voluntary compliance. If an officer is met with an uncooperative subject, they should consider the following:

- a. If a person refuses to provide personal identifying information or identification for the purposes of *solely* an administrative violation of the SVO, officers shall not compel an individual to do so, as sidewalk vending administrative violations are non-criminal and should be treated as a consensual contact.
  - (1) The failure of a person to provide personal identifying information or identification during the course of a consensual contact *solely* related to SVO does **not** constitute grounds for a detention or arrest pursuant to 148 PC.
- b. Officers shall not detain individuals for refusal to provide personal identifying information or identification for the purposes of *solely* an administrative violation of the SVO, as sidewalk vending administrative violations are non-criminal and should be treated as a consensual contact.
- c. If a person refuses to provide identifying information or becomes uncooperative or non-compliant with regards to *solely* an administrative violation of the SVO, officers should disengage or address the violation through alternative means such as a vendor-related impound (if applicable). The totality of the circumstances should be considered when determining whether to proceed with an

administrative enforcement action. Refer to Department Procedure 1.55 on De-escalation for guidance.

- d. If the person contacted engages in other illegal activity outside the scope of SVO, and reasonable suspicion or probable cause is developed, officers should consider the possibility of a detention and citation or arrest for the unrelated illegal activity. If it is unclear whether a particular section may be enforced, officers should contact a supervisor.

## **B. Vendor-related impounds**

Sidewalk Vending Equipment may be impounded for a variety of reasons by Park Rangers or Officers as specified in SDMC section 36.0111.

1. **Issuing a Notice of Impoundment pursuant to a sidewalk vending equipment impound**
  - a. Notice of Impoundment forms related to SVO will be maintained at Patrol Divisions.
  - b. When issuing a Notice of Impoundment related to street vending, officers must complete the form in its entirety. **(See Appendix B for a Sample Notice of Impoundment)**
  - c. Once issued, the officer will retain the white (original) copy and pink copy. Officers will provide the canary-colored copy to the cited party whose street vending equipment is being impounded. If the officer is unable to provide a copy of the form to an uncooperative vendor or a vendor that has left the scene, the officer will retain all copies and document the circumstances in their report.
    - (1) For cited parties that refuse a copy of the form or leave the scene prior to obtaining a copy, the Division POC will attempt to mail a copy of the form to the cited party within two business days of the impound to the address received by the City when the person applied for a vending permit. If the cited party did not apply for a vending permit, no copy of the form can be mailed. The Notice of Impoundment is designed as a triplicate form.
  - d. Officers shall advise the person being issued the Notice of Impoundment, that information is listed at the bottom of the

form regarding the administrative process and instructions for retrieving impounded items. Officers should obtain a case number related to the impound and write that case number and/or the event number on the Notice of Impoundment form for the person to reference should they attempt to later retrieve their property from Headquarters.

- e. Officers shall complete an Officer's Report documenting the circumstances of the impound and detailing the items impounded. A copy of the Notice of Impoundment should be scanned into NetRMS under the related case number for the impound. That case number should be referenced in the Property Room Evidence System (EvidenceOnQ) when obtaining a bar code(s) for street vending equipment items impounded related to SVO. (Refer to below SVO item impound procedure below for further).
- f. Original completed Notices of Impoundment must be returned to an officer's Division. The Division SVO POC will retain them at the Division and enter the data into a Divisional SVO log. Within the log, the number of prior offenses and whether the vendor was in possession of a valid SVO permit will be annotated.
- g. After 10 calendar days, if there is no request for an appeal by the cited party, the Divisional SVO POC should upload the Notice of Impound into SAP so the City Treasurer can issue the fine to the cited party.

## 2. **Street vending equipment impound considerations**

The impounding of sidewalk vending equipment is considered an impound related to an administrative violation of the SVO, which originates from a consensual contact. As such, if an officer elects to impound sidewalk vending equipment related to *solely* an administrative SVO violation, officers should follow the same considerations in Section VI.A.2 (a) through (d) if a person refuses to:

- a. Provide personal identifying information or identification for the purposes of *solely* an administrative violation of the SVO related to a street vending equipment impound.
- b. Relinquish their street vending equipment.



- c. Provide identifying information or becomes uncooperative or non-compliant with regards to a street vending equipment impound related to *solely* an administrative violation of the SVO.
3. **Street vending equipment impound procedures after issuing the Notice of Impoundment**
- a. When issuing a Notice of Impoundment related to street vending, officers must complete the form in its entirety and include a case number on the form that they will use to reference for the impound.
  - b. Officers should take pictures of all items being impounded to document the condition and totality of the property.
  - c. In the event street vending equipment is impounded that has attached hazmat potential (i.e. propane camping cylinders, 5-gallon propane cylinders, or other fuel source, etc.), every effort should be made to leave the propane cylinder or fuel source with the vendor being cited. If the vendor walks away or refuses to take custody of the propane cylinder or fuel source, officers should shut the propane/fuel source valves off and transport the street vending equipment and propane cylinder or fuel source to Headquarters, only if safe to do so.
  - d. Every effort should be made to impound the street vending equipment from the scene of the contact in an expedient manner since associated impounds can lead to disturbances in the field. Minimizing officers' exposure to potentially unpredictable instances by rapidly removing impounded street vending equipment from a scene can help to de-escalate situations and reduce out-of-service time for officers involved.
  - e. Officers should transport the impounded street vending equipment via truck to the top lot of SDPD Headquarters. Officers should obtain the phone number and contact the Downtown Partnership on call supervisor, via the Watch Commander's Office. A Downtown Partnership Team will respond to Headquarters to remove and dispose of all perishable goods, grease, and associated waste prior to impound.

- f. If applicable, and only if safe to do so, officers should ensure that any attached propane cylinder or fuel source is shut off and not leaking. Once an officer has confirmed that the propane/fuel valves are shut off and not leaking, they should move the street vending equipment to the area along the southeast corner of the sally port next to the prisoner bulk property storage (adjacent to the caged storage area). Propane cylinders that are 16 oz or less should be weighed in the property room prior to impound. The actual or estimated weight of a propane/fuel source should be entered in the EvidenceOnQ system prior to obtaining a barcode label. Butane cylinders shall not be impounded.
- g. If officers find that propane/fuel source or valves are inoperable and/or leaking, they should advise the Watch Commander. The Watch Commander will contact the on-call Environmental Services Department supervisor who will ensure a team responds to take custody of the propane/fuel source and render it safe.
- h. After placing the impounded street vending equipment in the sallyport bulk prisoner property area, officers should proceed to the Property Room and complete a Found Property impound utilizing the obtained case number. For all impounded street vending equipment, articles of value should be itemized including serialized items. The item type "Vending Cart" has been added to the EvidenceOnQ system. Vague descriptions such as "bulk personal property" shall not be used.
- i. Officers shall obtain barcode labels for all impounded street vending equipment. Propane/fuel tanks should have separate barcode labels as well. For propane/fuel tanks, officers shall complete a disposal authorization form on the property impound system.
- j. Officers should return to the sallyport property area and affix the barcode label(s) to the impounded street vending equipment.
- k. Property Room personnel will be responsible for contacting the Department's contracted vendor to dispose of any potential hazmat material (propane cylinders, fuel source, etc.) associated with impounded street vending equipment that has been impounded in the sallyport.

1. Vendors that have been cited desiring to retrieve their impounded street vending equipment must show proof of the following to an officer (likely a front counter officer) or Police Investigative Service Officer (PISO), prior to Property Room personnel releasing the items:
  1. Documentation of payment of associated fines from the City Treasurer's Office.
  2. Documentation of adjudication at an administrative hearing from the City of San Diego indicating the vendor has been granted permission to retrieve their street vending equipment.
  3. Notice of Impoundment Form with a clearly indicated case number documenting the original street vending equipment impound.
  4. Once an officer or PISO has verified that the above satisfactory documentation has been provided, they may issue a Property Release Form to Property Room personnel so a vendor can retrieve their impounded items.
- m. Property Room personnel will schedule the disposal of any street vending equipment that has not been claimed within 90 days.

## **VII. ADMINISTRATIVE HEARINGS RELATED TO SIDEWALK VENDING**

- A. Within 10 calendar days of being issued an administrative citation or notice of impoundment, a cited person may appeal the citation by notifying the Department via email (~~Deleted – records of security~~).
  1. The Divisional POC is required to monitor the appeal email inbox and forward any written notice of appeal request as soon as practicable to the Compliance Department Program Manager. The Compliance Department will schedule the telephonic administrative hearing and notify the appellant and officers of the date, time, and place for the hearing.
  2. Additionally, upon receiving any written notice of an appeal request within 10 calendar days, the Divisional POC shall contact the Property Room and instruct them to suspend the 90-day

holding period for impounded vending equipment until the appeal hearing has been adjudicated.

**B. Notifications to Appear for Administrative Hearings**

In the event an officer is requested to testify for an administrative appeal hearing, they will be notified by the Compliance Department as to the date, time, and place for the hearing. Officers will appear via telephone as they would for a formal telephonic hearing (e.g. DMV hearing, etc.).

**C. Compensation for Administrative Hearings**

Officers directed to appear for Administrative Hearings will be compensated in accordance with Department Procedure 1.20 Overtime Compensation, Section X. Court Overtime Pay.

**D. Final Rulings Related to Administrative Hearings**

Notification of the final ruling of an administrative hearing will be made to the respective Division SVO POC.

1. If the administrative hearing officer upholds the violation, the Divisional POC will notify the Property Room, which will proceed with the 90-day property disposal timeline pursuant to SDMC section 36.0111(f).
2. If the administrative hearing officer overturns the violation, the Divisional POC will inform the Property Room that the impounded items that were suspended, can now be released to the owner.

If you have any questions, please contact (~~Deleted~~ – records of security)

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**Please read at squad conferences and post.**

Appendix A – Sample Administrative Citation SVO (\*Subject to change)

**SVO #** \_\_\_\_\_

For information about Sidewalk Vending permits & regulations, visit [sandiego.gov/sidewalk-vending](http://sandiego.gov/sidewalk-vending)

The City of  
**SAN DIEGO**

**ADMINISTRATIVE CITATION**

Violation Observed

Date \_\_\_\_\_ Time \_\_\_\_\_ Fine Amount \$ \_\_\_\_\_  
 (see reverse side for payment instructions)

Responsible Person/Party Cited	_____
Drivers License/I.D. #	_____
Relation to Vendor	_____
Mailing Address, City, State, ZIP	_____
Business name (if any)	_____
Violation Address	_____
SVO Permit Number	_____

OFFICER \_\_\_\_\_ AGY \_\_\_\_\_ I.D. \_\_\_\_\_

MUNI. CODE SECTION VIOLATION:	VIOLATION DESCRIPTION:
1. <input type="checkbox"/> SDMC 36.0103(a)	VENDING OUTSIDE THE PROVISIONS OF THIS DIVISION
2. <input type="checkbox"/> SDMC 36.0106(a)(1)(J)	VENDING WITHIN 15FT OF A HIGH-TRAFFIC BIKE AND SHARED USE PATH
19. <input type="checkbox"/> SDMC 36.0106(a)(2)	VENDING ON PUBLIC PROPERTY NOT DEFINED AS A SIDEWALK
36. <input type="checkbox"/> SDMC 36.0106(e)	VENDING WITHIN 15 FT OF ANY FIRE LANE OR FIRE HYDRANT
3. <input type="checkbox"/> SDMC 36.0107(g)(1)	VENDING WITHIN 25FT OF _____ IN BALBOA PARK
6. <input type="checkbox"/> SDMC 36.0103(b)	NO PERMIT
34. <input type="checkbox"/> SDMC 36.0106(a)(16)(C)	VENDING WITHIN 500 FEET OF; PETCO PARK, AND PECHANGA ARENA DURING AN EVENT OR GAME
22. <input type="checkbox"/> SDMC 36.0106(a)(7)	VENDING BETWEEN SPORTS ARENA BLVD. - HANCOCK ST. & EAST DR. DURING EVENT OR GAME
43. <input type="checkbox"/> SDMC 36.0107(i)	VENDING PROHIBITED DURING THE SUMMER MORATORIUM IN BALBOA PARK, MISSION BAY PARK, AND SHORELINE PARKS
___ <input type="checkbox"/> OTHER: SDMC	_____
___ <input type="checkbox"/> OTHER: SDMC	_____

EXPRESSIVE ACTIVITY ONLY	
4. <input type="checkbox"/> SDMC 63.0503(b)(1)	OCCUPYING A SPACE GREATER THAN 8 FT LENGTH BY 4 FT WIDTH
5. <input type="checkbox"/> SDMC 63.0504(b)	OUTSIDE OF DESIGNATED EXPRESSIVE ACTIVITY AREA
___ <input type="checkbox"/> OTHER: SDMC	_____

CORRECTIONS INDICATED BELOW ARE REQUIRED **IMMEDIATELY**. IF YOU FAIL TO MAKE THE INDICATED CORRECTIONS, ANOTHER CITATION MAY BE ISSUED. OTHER ENFORCEMENT ACTION MAY RESULT IF COMPLIANCE IS NOT ACHIEVED.

**CORRECTIVE ACTION REQUIRED** \_\_\_\_\_

\_\_\_\_\_

Work Phone \_\_\_\_\_

Email: \_\_\_\_\_


Parks and Recreation - [ParksRecSVOAppeals@sanidiego.gov](mailto:ParksRecSVOAppeals@sanidiego.gov) \_\_\_\_\_  
 Signature of City Official

Police Department - [SVOAppeals@pd.sanidiego.gov](mailto:SVOAppeals@pd.sanidiego.gov) \_\_\_\_\_  
 Signature of Responsible Person

WHITE - ISSUING DEPARTMENT    YELLOW - RESPONSIBLE PARTY    PINK - FILE COPY  
 READ REVERSE FOR IMPORTANT INFORMATION

**Appendix B – Sample Notice of Impoundment (front)**  
**(\*Subject to change)**

# I 2 4 0 0 0 1



## NOTICE OF IMPOUNDMENT

Receipt and Instruction for retrieval of items; Appeal process

DATE OF NOTICE:	TIME OF NOTICE:	DAY OF THE WEEK:	LOCATION:
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Notice Issued To: Sidewalk Vending Permit No. (if known and applicable; Not a Valid form of ID):

Address:

City: State: Zip Code:

Phone Number (if known): Vehicle License Plate and State (if known): Driver Lic; State ID Number:

**Description of Items Impounded (check all that apply):**  VENDING CART  FOOD  EQUIPMENT  UTENSILS  
 GOODS  MERCHANDISE  OTHER / ADDITIONAL INFORMATION: \_\_\_\_\_

**Grounds for Impoundment - brief summary (check all that apply):**

- S.D.M.C. 36.0111(a)(2): Vending prohibited goods in violation of any applicable federal, state, county or City laws, ordinances, or regulations.
- S.D.M.C. 36.0111(a)(4): Vending food without a valid and displayed San Diego CO. Environmental Health Permit in violation of sec. 36.0105(h).
- S.D.M.C. 36.0111(a)(5): Vending in violation of this Division; refuses or fails to provide identification upon request by a City Official.
- S.D.M.C. 36.0111(a)(6): Vending in violation of this Division; refuses or fails to remove the vending equipment from the sidewalk, park, or other property within 30 consecutive minutes.
- S.D.M.C. 36.0111(a)(7): Vendor is blocking or obstructing the sidewalk; not maintaining min. 48 inches of accessible path of travel in violation of sec. 36.0105(m).
- S.D.M.C. 36.0111(a)(8): Vending in a manner that creates an imminent and substantial danger or environmental hazard. i.e. oil, grease, or other slippery substances.
- S.D.M.C. 36.0111(a)(9): Vendor has been Administrative cited three or more times in violation of this Division within a 24-months.
- S.D.M.C. 36.0111(b): Vending equipment or goods that are evidence of a crime or booked as property after an arrest of a sidewalk vendor for violation of any federal, state, county, or City laws, ordinances, or regulations.
- S.D.M.C. OTHER \_\_\_\_\_
- S.D.M.C. OTHER \_\_\_\_\_
- S.D.M.C. OTHER \_\_\_\_\_

Additional factual basis for impounding: \_\_\_\_\_

Impoundment holding period from date of impound:  90 day

Issuing Employee/Officer Name:	Signature:	Date:
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**For questions regarding this notice of impoundment, contact The Parks and Recreation Department**  
 cmail [ParksRecSVOAppeals@SanDiego.gov](mailto:ParksRecSVOAppeals@SanDiego.gov) - For San Diego Police Department appeal request, email [DSD-CEDHearing@SanDiego.gov](mailto:DSD-CEDHearing@SanDiego.gov)

- PLEASE BE ADVISED PER S.D.M.C. 36.0111(c) ITEMS THAT ARE PERISHABLE AND/OR CANNOT BE STORED SAFELY WILL BE DISPOSED.
- YOU HAVE THE RIGHT TO APPEAL THE IMPOUNDMENT, PLEASE SEE REVERSE SIDE FOR MORE INFORMATION.

**YOU MAY RETRIEVE IMPOUNDED ITEMS AFTER THE IMPOUNDMENT HOLDING PERIOD FROM (check all that apply):**

<input type="checkbox"/> City of San Diego, _____ _____ _____	<input type="checkbox"/> Private Tow Company (insert name, address, and phone number): _____ _____
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You will have to show proof of ownership to recover your items, excluding items that we immediately disposed of because they were perishable and/or could not be safely stored and pay any impound fees. Items will only be stored for either 90 calendar days after the applicable impoundment holding period checked above before they will be deemed unclaimed and classified as abandoned and forfeited to the City.

SEE REVERSE SIDE FOR MORE INFORMATION



## Appendix B – Sample Notice of Impoundment (back)

### NOTICE OF IMPOUNDMENT

City of San Diego Municipal Code, Chapter 3, Article 6, Division 1 provides the authority and process for the issuance of a receipt for impounded vending equipment or goods for violations of the Municipal Code.

### RELEASE OF IMPOUNDED GOOD AND EQUIPMENT

Once proper proof of ownership is presented, and the City receives payment in full of all administrative costs incurred as a result of the violation, the impounded vending equipment and goods, excluding any items that were disposed of in accordance to City of San Diego Municipal Code, Chapter 3, Article 6, Division 1 section entitled "Impounding of Vending Equipment" subsection (c), will be released to the sidewalk vendor or owner. The San Diego Parks and Recreation office of SVO appeals will reach out to the sidewalk vendor or owner via email or telephone with further details to schedule the release of the impounded equipment and goods at the location listed on the front of this notice once all the administrative costs are received by the City.

### HOW TO PAY ADMINISTRATIVE COSTS

Invoices may be paid by mail or in person at the Office of the City Treasurer, 1200 Third Avenue, Suite 100, San Diego, CA 92101. Payment can be made by personal check, cashier's check or money order, payable to the City Treasurer. Please write the invoice number on your check or money order. If you choose to make payment before an invoice is issued, please write the citation number and/or notice of impoundment number on your check or money order.

### RIGHTS OF ADMINISTRATIVE HEARING

You have the right to request an administrative hearing before a City appointed hearing officer within 10 calendar days from the date the notice of impoundment was issued. If the notice of impoundment was mailed, the request for an administrative hearing must be made within 10 calendar days from the date the notice of impoundment was mailed. A request for administrative hearing must be made in writing or via email to the address on the front of this notice of impoundment and to the attention of Hearing Coordinator.

For San Diego Parks and Recreation Department administrative hearing request, email [ParksRecSVOAppeals@sandiego.gov](mailto:ParksRecSVOAppeals@sandiego.gov) – For San Diego Police Department administrative hearing request, email [SVOAppeals@pd.sandiego.gov](mailto:SVOAppeals@pd.sandiego.gov).

The administrative hearing will follow the procedures set forth in Division 4, Article 2, Chapter 1 of the San Diego Municipal Code. The administrative hearing request must include the name, phone number and valid address of the person filing the request. You are responsible for notifying the department of any change in address.

### ADMINISTRATIVE COSTS

The Hearing Officer is authorized to assess reasonable administrative costs. Administrative costs may include, but are not limited to: staff time to investigate and document violations; laboratory, photographic, and other expenses incurred to document or establish the existence of a violation; scheduling and processing of the administrative hearing; and all related actions. Any determination that documented costs are not reasonable must be supported by written findings.

### CONSEQUENCES OF FAILURE TO CORRECT VIOLATIONS

There are numerous enforcement options that can be used to encourage the correction of violations. These options include but are not limited to to additional administrative citations, permit revocation and additional equipment impoundment.

### CONSEQUENCES OF FAILURE TO CLAIM IMPOUNDED GOOD AND EQUIPMENT

The failure of any person to claim and comply with the regulations outlined in Chapter 3, Article 6, Division 1 of the San Diego Municipal Code within the section entitled "Impounding of Vending Equipment" subsection (f) shall have any unclaimed items be considered abandoned and forfeited to the City after 90 days following the date listed on the front of this notice of impoundment excluding any items that were disposed of in accordance to City of San Diego Municipal Code, Chapter 3, Article 6, Division 1 section entitled "Impounding of Vending Equipment" subsection (c).

**Appendix C – Sample County Health Permit Sample**

**DEC**

**County of San Diego**  
DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY  
**ENVIRONMENTAL HEALTH PERMIT**

**2022**

P.O. BOX 129261, SAN DIEGO, CA 92112-9261 / (858) 505-6700 / (800) 253-9933 / FAX (858) 999-8920  
www.sdcdehq.org

Owner/Operator Name:

Facility Name:

Facility Located at:

Mailing Address



Amy Harbert  
Director

Record Number:



**PERMIT TO OPERATE LIMITED FOOD PREP CART**

**Expiration Date: 12/31/2022**

PERMIT IS NON-TRANSFERABLE. RENEWAL IS REQUIRED BEFORE EXPIRATION DATE

**ATTENTION**

- Post in a Conspicuous Place.
- A copy of this permit must be maintained at the facility location.
- Permit is not valid for any facility location or owner not listed above.
- This is not a City or County use permit, nor a permit to operate under any other regulatory program. Other permits may be required for these operations at this location.



**Appendix D – Sample Sidewalk Vending Permit and Vendor ID Card**

**SIDEWALK VENDING PERMIT**

Permit # [REDACTED] Expires **08/31/2024**

THIS PERMIT IS ISSUED PURSUANT TO THE SAN DIEGO MUNICIPAL CODE IN ADDITION TO ANY OTHER LICENSE OR PERMIT THAT MAY BE REQUIRED.

THIS PERMIT IS NOT TRANSFERABLE, AND MUST BE VISIBLY DISPLAYED AT ALL TIMES WHEN VENDING.

**VALID FROM**  
08/16/2023

**EXPIRES**  
08/31/2024

BUSINESS TYPE: SIDEWALK VENDING

BUSINESS NAME: [REDACTED]  
BUSINESS OWNER NAME: [REDACTED]  
BUSINESS LOCATION: [REDACTED]


ISSUED BY OFFICE OF THE CITY TREASURER

NOTES

NOTES

2023003481 CITY OF SAN DIEGO Expires: 08.31.2024

**SIDEWALK PERMIT VENDOR**

Business 

*This Permit is Not Transferable*  
PERMIT ONLY - NOT A VALID ID

[REDACTED]

